IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 12010 of 2007(D)

PETITIONER:

R.SURESH KUMAR, AGED 35,
S/O.P.RETNAKARAN, KALLUVILAKATHU VEEDU,
KOTTAKAKOM P.O., ARYANAD, TRIVANDRUM DISTRICT.

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.VINITHA PRASANNAN
SRI.P.ANIYAN
SRI.A.S.SACHIN
SMT.REEJA HARI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

3. THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, TRIVANDRUM.

4. THE SUPERINTENDENT OF POLICE, TRIVANDRUM RURAL, TRIVANDRUM.

5. P.SOMASEKHARAN, DY.S.P., CRIME BRANCH, TRIVANDRUM (FORMER DY.S.P. NEDUMANGAD).

6. VINOD MATHEW, CIRCLE INSPECTOR OF POLICE, STATE INTELLIGENCE BUREAU, TRIVANDRUM, (FORMER CIRCLE INSPECTOR OF POLICE, ARYANAD).

BY SR.GOVERNMENT PLEADER SRI.BENJAMIN PAUL.
ADV. SRI.R.KRISHNA RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.12010 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of representation submitted by the petitioner to R3 on 1.3.2005 forwarded to the Rural S.P.,Tvm.

Ext.P2: Copy of the Discharge Card dtd.6.9.04 from the Medical College, Dept. of Othopaedics, Tvm.

Ext.P3: Copy of order dtd. 2.6.2003 in complaint Nos.715.716,717/02 of the Lok Ayukta, Kerala.

Ext.P4: Copy of order dtd.18.1.2006 in Complaint No.1227/05 of Kerala Lok Ayukta.

Ext.P5: Copy of Report dtd.14.2.2005 by the Vigilance Officer, Excise Dept., Trivandrum.

Ext.P6: Copy of proceedings in M.C.No.215/04 of the Sub Divl.Magistrate Court, Trivandrum.

Ext.P7: Copy of order dtd.21.2.2005 in Crl.M.A.No.2096/05 in Crl.M.C.753/05 of this Court.

Ext.P8: Copy of Order dtd.15.1.2007 in M.C.215/04 of the Sub Divisional Magistrate Court, Thiruvananthapuram.

Ext.P9: Copy of representation dtd.13.1.2007 to the Hon'ble Minister for Home Affairs by the petitioner.

RESPONDENTS' EXHIBIT:

Ext.R5(a): Copy of the letter dtd.3.9.2004.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 12010 OF 2007 - D

Dated this the 4th day of July, 2007

J U D G M E N T

The petitioner has approached this Court alleging that respondents 5 and 6, without any reason whatsoever, registered crimes against the petitioner and harassed him. In the above circumstances, the petitioner seeks the following reliefs:-

> "i) to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents 1 to 3 to take appropriate departmental disciplinary proceedings against respondents 5 and 6 on the basis of the allegations raised by the petitioner in Ext.P9 representation dtd.13.1.2007 and punish them in accordance with law;
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> ii) to issue a writ of mandamus or other appropriate writ, direction or order directing the 1st respondent to take a decision on Ext.P9 representation within a time limit;
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> iii) to grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case;
>
> iv) to award cost to the petitioner;"

2. The Deputy Superintendent of Police, Crime Detachment, Thiruvananthapuram Rural has filed a

statement in which it has been stated that an enquiry was conducted into the allegations made by the petitioner and it was found that the sixth respondent was responsible and therefore, disciplinary proceedings have been initiated against him. As far as the fifth respondent is concerned, the enquiry did not reveal that the allegations are correct. In view of the said statement, I do not think that any further proceedings are necessary in this writ petition. Accordingly, the writ petition is closed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007